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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/636,656	08/11/2000	Gary P. Russell	USYS-0065 (TN208)	9193

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EXAMINER

GAUTHIER, GERALD

ART UNIT	PAPER NUMBER
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2645

DATE MAILED: 09/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/636,656

Applicant(s)

RUSSELL ET AL.

Examiner

Gerald Gauthier

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 6.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. **Claims 1, 4 and 7-10** are rejected under 35 U.S.C. 102(e) as being anticipated by Hyde-Thomson et al. (US 6,487,533).

Regarding **claims 1 and 8**, Hyde-Thomson discloses a messaging system (column 1, lines 34-39) comprising:

at least one host computer (140 on FIG. 1), the host computer comprising a messaging platform (voice messaging application unit 220 on FIG. 2) upon which messaging applications are executed and a message store for storing messages received by the messaging platform (column 4, lines 49-67) [The voice gateway server 140 includes the voice messaging applications 220 which have multiple service applications such as storing the message and forward message to be played to subscribers];

at least one network interface unit (202 on FIG. 2) having a first interface to the messaging platform (299 on FIG. 2) on the host computer for communicating between

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the NIU and the messaging platform and a second interface (136 on FIG. 2) to a telephone network for receiving calls from the telephone network (column 3, lines 45-64 and column 4, lines 40-48) [The network interface unit 202 have 2 interfaces interface 299 to interact with the voice messaging applications and 136 to receive from the PBX 120 calls from the telephone network via trunks 122, 124, 126]; and

at least one embedded services processor (TTS engine 242 on FIG. 2) operatively coupled to the first and second interfaces of the NIU, the ESP comprising a processor, a memory (Phoneme library 252 on FIG. 2), and an operating system executing on the processor for executing software applications that are otherwise incapable of executing within the NIU (column 5, lines 1-9) [The message inquiry unit 226 selects the text-to-speech engine 242 to translate message using software to translate textual data into speech which can not be done by the network interface unit].

Regarding **claim 4**, Hyde-Thomson discloses the first and second interfaces of the NIU are operatively coupled via a bus, and wherein the ESP is operatively coupled to the bus (FIG. 2 column 4, lines 25-39).

Regarding **claim 7**, Hyde-Thomson discloses the ESP is capable of cooperating with commercially available messaging system hardware and operating system commodity software (column 5, lines 1-9).

Regarding **claim 9**, Hyde-Thomson discloses the ESP further comprises a network interface, and where the method further comprises:

connecting the network interface of the ESP to a network external to the messaging system (column 5, lines 10-37); and  
communicating data from the ESP to the external network via the network interface (column 5, lines 10-37).

Regarding **claim 10**, Hyde-Thomson discloses the providing step further comprises initializing the ESP to cooperate with components of the messaging system and to communicate with the external network (column 5, lines 10-37).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

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not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. **Claims 2-3 and 11** are rejected under 35 U.S.C. 103(a) as being unpatentable over Hyde-Thomson in view of Picard et al (US 6,233,318).

Regarding **claims 2 and 11**, Hyde-Thomson as applied to **claims 1 and 9** above differs from **claims 2 and 11** in that it fails to disclose the ESP further comprises a network interface that supports an IP protocol for communicating between the ESP and a network external to the messaging system.

However, Picard teaches the ESP further comprises a network interface that supports an IP protocol for communicating between the ESP and a network external to the messaging system (column 14, lines 47-52).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Hyde-Thomson using the IP protocol as taught by Picard.

This modification of the invention of Hyde-Thomson would allow the subscriber to use the Internet to retrieve its messages.

Regarding **claim 3**, Picard teaches the operating system of the ESP operating system comprises Microsoft Windows NT (column 14, lines 47-52).

6. **Claims 5-6** are rejected under 35 U.S.C. 103(a) as being unpatentable over Hyde-Thomson in view of Carteau et al (US 5,283,879).

Regarding **claim 5**, Hyde-Thomson as applied to **claim 4** above differs from **claim 5** in that it fails to disclose the bus implements a Multibus (IEEE 1296) open bus standard.

However, Carteau teaches the bus implements a Multibus (IEEE 1296) open bus standard (column 6, lines 44-52).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Hyde-Thomson using the Multibus (IEEE 1296) open bus standard as taught by Carteau.

This modification of the invention of Hyde-Thomson would link with different types of memory so that the subscriber would playback its messages.

Regarding **claim 6**, Carteau teaches the ESP communicates to other NIU interfaces using messaging protocols and standards in accordance with the Multibus (IEEE 1296) open bus standard (column 6, lines 44-52).

7. **Claims 16-19** are rejected under 35 U.S.C. 103(a) as being unpatentable over Hyde-Thomson in view of Didcock (US 6,396,907).

Regarding **claim 16**, Hyde-Thomson as applied to **claim 1** above differs from **claim 16** in that it fails to disclose the ESP is capable of engaging a variety of operating states comprising RESET.

However, Didcock teaches the ESP is capable of engaging a variety of operating states comprising any of: RESET, IDLE, INITIALIZING, UN PENDING, RUNNING, and SHUTDOWN (column 10, lines 22-34).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Hyde-Thomson using the Reset command as taught by Didcock.

This modification of the invention of Hyde-Thomson would allow the system to be reset so that the subscriber would record its messages.

Regarding **claims 17 and 19**, Didcock teaches the RESET state may be invoked by any of the other operating states (column 10, lines 22-34).

Regarding **claim 18**, Didcock teaches the ESP is capable of engaging a variety of operating states comprising any of: RESET, IDLE, INITIALIZING, UN PENDING, RUNNING, and SHUTDOWN (column 10, lines 22-34).



***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Levine is cited for a voice mail system with personal assistant provisioning (FIG. 1).

Reformato et al. is cited for an apparatus for increasing the utility and interoperability of peripheral devices in communications systems (FIG.1).

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald Gauthier whose telephone number is (703) 305-0981. The examiner can normally be reached on 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (703) 305-4895. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**GERALD GAUTHIER**  
**PATENT EXAMINER**

g.g.  
September 27, 2004

**FAN TSANG**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2600**

A handwritten signature in black ink, appearing to be 'Fan Tsang', written in a cursive style.